

ARTICLE 4. WASTEWATER TREATMENT FACILITIES; OVERLOAD CONDITION

RULE 1. GENERAL

327 IAC 4-1-1 ----- Overload rule: purpose

This article is promulgated in order to prevent the excessive hydraulic and/or organic overloading of POTWs or semipublic facilities resulting in the subsequent discharge or bypassing of insufficiently treated sewage due to new sewer connections to such overloaded POTWs or semipublic facilities.

[As amended at: 17 IR 1615.]

327 IAC 4-1-2 ----- Overload rule: definitions

In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, and 327 IAC 1, the following definitions apply throughout this article:

- (1) “Combined sewer” means a sewer designed and employed to receive both water-carried and/or liquid wastes and storm and/or surface water.
- (2) “Discharge” or “direct discharge”, when used without qualification, means a discharge of a pollutant.
- (3) “Discharge of a pollutant” means any addition of any pollutant, or combination of pollutants, into any waters of the state of Indiana from a point source in Indiana. The term includes, without limitation, additions of pollutants into waters of the state from the following:
 - (A) Surface run-off which is collected or channeled by man.
 - (B) Discharges through pipes, sewers, or other conveyances which do not lead to treatment works.
- (4) “Effluent limitation” means any restriction established by the commissioner on quantities, discharge rates, and concentrations of pollutants that are discharged or will be discharged from point sources into waters of the state of Indiana.
- (5) “Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.
- (6) “Hazardous substance” means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act (CWA).
- (7) “NPDES permit” means a written authorization issued by the commissioner or the EPA to regulate the discharge of pollutants pursuant to Section 402 of the CWA or corresponding state law (327 IAC 5).
- (8) “Person” means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, consolidated unit of government, political subdivision, state agency, or any other legal entity.
- (9) “Point source” means any discernible, confined, and discrete conveyance, including, but not limited to, any:
 - (A) pipe;
 - (B) ditch;
 - (C) channel;
 - (D) tunnel;
 - (E) conduit;
 - (F) well discrete fissure;
 - (G) container;
 - (H) rolling stock;

- (I) vessel; or
 - (J) other floating craft;
from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- (10) "Pollutant" means, but the definition is not necessarily limited to:
- (A) dredged spoil;
 - (B) incinerator residue;
 - (C) filter backwash;
 - (D) sewage;
 - (E) garbage;
 - (F) sewage sludge;
 - (G) munitions;
 - (H) chemical wastes;
 - (I) solid wastes;
 - (J) toxic wastes;
 - (K) hazardous substances;
 - (L) biological materials;
 - (M) radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2011, et seq.);
 - (N) heat, wrecked, or discarded equipment;
 - (O) rock;
 - (P) sand;
 - (Q) cellar dirt; and
 - (R) other industrial, municipal, and agricultural waste;
discharged into water.
- (11) "Publicly owned treatment works" or "POTW" means a treatment works as defined by Section 212(2) of the CWA which is owned by the state or a municipality (as defined by Section 502(4) of the CWA), except that it does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. The definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or compatible industrial wastes. "POTW" also means the municipality, as defined by Section 502(4) of the CWA, including, without limitation, a city, town, county, or other public body created by or pursuant to state law, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- (12) "Sanitary sewer" means a sewer that conveys liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions; and to which storm, surface, and ground waters are not intentionally allowed to enter.
- (13) "Semipublic facilities" means a treatment works as defined by Section 212(2) (33 U.S.C. 1292(2)) of the CWA, 33 U.S.C. 1251, et seq., in effect on November 13, 1991, that is not a POTW, is not state or federally owned, or is not an industrial wastewater treatment plant as defined by 327 IAC 8-12-2(b). Semipublic facilities include, but are not limited to, the following:
- (A) Rural sewage disposal services provided by sewage disposal companies as defined by IC 8-1-2-89(a)(2).
 - (B) Trailer or mobile home parks.
 - (C) Commercial or shopping centers.
 - (D) Housing developments.
 - (E) Truck stops.

- (F) Restaurants.
- (G) Schools.
- (H) Campgrounds.
- (14) "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- (15) "Source" means any building, structure, facility, or installation from which there is or may be a discharge of domestic sewage or other wastewater into a semipublic facility or POTW.
- (16) "Wastewater" means liquid or water-carried wastes from industrial, municipal, agricultural, or other sources.
- (17) "Water pollution treatment/control facility" means any equipment, device, unit, structure, etc., that is used to control, prevent, pretreat, or treat any discharge or threatened discharge of pollutants into any waters of the state of Indiana, including surface and subsurface waters and public or private sewerage systems. The term includes, but is not limited to, the following:
 - (A) Treatment facilities.
 - (B) Combined sewers.
 - (C) Sanitary sewers.
 - (D) Lift (pumping) stations.
- (18) "Waters of the state of Indiana" or "waters of the state" means such accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but the term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to the discharge unless the discharge therefrom causes or threatens to cause water pollution.

[As amended at: 17 IR 1615.]

327 IAC 4-1-3 ----- Overload rule: early warning system

Whenever, in the determination of the commissioner, a semipublic facility or POTW has reached or is approaching ninety percent (90%) of its maximum hydraulic or organic design capacity, the commissioner shall notify the semipublic facility or POTW that it may be necessary, because of such condition, to impose a sewer connection ban if action is not taken by the semipublic facility or POTW to accommodate additional flow or loading. Such notification shall be by certified mail, return receipt requested, and shall be directed to the principal executive officer, ranking elected official, and/or the authorized agent of the semipublic facility or POTW. Failure of the commissioner to provide such notification to the semipublic facility or POTW shall not preclude the imposition of a sewer connection ban as authorized by this article.

[As amended at: 17 IR 1616.]

327 IAC 4-1-4 ----- Overload rule: imposition of sewer connection bans

(a) Whenever, in the determination of the commissioner, hydraulic or organic overloading of a semipublic facility or POTW exists or is impending and the introduction into the semipublic facility or POTW of additional wastewater from new or existing sources is likely to result in the discharge or bypassing of insufficiently treated sewage, the commissioner may impose a ban on further sewer connections to the semipublic facility or POTW.

(b) Such sewer connection ban shall prohibit the connection or introduction of additional wastewater or sewage into the semipublic facility or POTW, except as otherwise provided under this article.

[As amended at: 17 IR 1617.]

327 IAC 4-1-5 ----- Overload rule: notification of imposition of ban

(a) Whenever the commissioner has determined to impose a ban on further sewer con-

nections to a POTW, the commissioner shall notify the principal executive officer, the ranking elected official, or the authorized agent or representative of the POTW of such determination by certified mail, return receipt requested.

(b) Whenever the commissioner has determined to impose a ban on further sewer connections to a semipublic facility, the commissioner shall notify the owner, chief executive officer, or authorized agent or representative of the semipublic facility of such determination by certified mail, return receipt requested.

[As amended at: 17 IR 1617.]

327 IAC 4-1-6 ----- Overload rule: obtaining waivers of sewer connection bans

(a) Requests for connections from new or existing sources to a semipublic facility or POTW where a sewer connection ban is in effect may be approved if it is determined by the commissioner that any of the following conditions exist:

- (1) The connection will eliminate an existing health hazard and the resulting public health benefit is considered to outweigh the adverse impact of any reduction in the effluent quality from the semipublic facility or POTW.
- (2) A semipublic facility or POTW expansion project is under construction and will be completed in such time as to accommodate such new connections.
- (3) An equivalent amount of infiltration or wastewater is removed from the sewage system, thus assuring that the additional wastewater will receive treatment.
- (4) The commissioner is assured that additional water pollution treatment/control facilities (such as chemical feed equipment) will be provided such that the effluent from the semipublic facility or POTW will not deteriorate beyond its present quality.
- (5) Other assurances are provided that the additional sewage to be discharged into the semipublic facility or POTW shall receive adequate treatment.

(b) Requests by POTWs for the waiver of a sewer connection ban for new or existing sources should be submitted by the principal executive officer or ranking elected official of the POTW to the commissioner. Requests by semipublic facilities for the waiver of a sewer connection ban for new or existing sources should be submitted by the owner, chief executive officer, or authorized agent or representative of the semipublic facility to the commissioner. The request for waiver of a sewer ban should contain, at a minimum, the projected flow and pollutant loadings from the proposed connection(s) and the projected impact upon the semipublic facility or POTW.

[As amended at: 17 IR 1617.]

327 IAC 4-1-7 ----- Overload rule: grounds for termination of sewer connection ban

A sewer connection ban may be terminated by the commissioner when any of the following exist:

- (1) a demonstrated sewage treatment facility improvement to meet applicable NPDES permit limitations has been completed, or
- (2) it is demonstrated to the satisfaction of the commissioner that an existing hydraulic/organic overloaded condition has been or will be discontinued for a continuous period of twelve (12) months from the date additional connections will be made.

327 IAC 4-1-8 ----- Overload rule: exclusions from sewer connection bans

The following shall be excluded from the requirements of sewer connection bans:

- (1) Single-family dwellings erected on vacant lots served by an existing sanitary sewer.
- (2) Projects that possess a valid construction permit issued under 327 IAC 3-2 prior to the imposition of a sewer connection ban.

327 IAC 4-1-9 ----- Overload rule: appeals

A semipublic facility or POTW aggrieved by the imposition of a ban, denial of a sewer

ban waiver, or denial of a request to terminate the ban may appeal to the board for a hearing. All hearings under this section shall be held in accordance with IC 4-21.5.

[As amended at: 17 IR 1617.]

327 IAC 4-1-10 ----- Overload rule: enforcement

This article may be enforced through administrative or judicial proceedings under IC 13-7-11 and the penalty provisions of IC 13-7-13.

[As amended at: 17 IR 1617.]

327 IAC 4-1-11 ----- Overload rule: access to information

(a) Whenever necessary to carry out the provisions of this article, any person who is or may be reasonably expected to be subject to such regulatory provisions shall:

- (1) establish and maintain records;
- (2) make reports;
- (3) install, use, and maintain monitoring equipment or methods;
- (4) sample effluents, or other material; and
- (5) provide other information;

at the locations, at the times, and in the manner the commissioner may reasonably prescribe.

(b) The commissioner, or the commissioner's authorized representative, upon presentation of proper credentials:

- (1) shall have a right of entry to, upon, or through any premises, public or private, in which records, reports, monitoring equipment or methods, samples, or other information required to be maintained or provided under subsection (a) are located; and
- (2) may, at reasonable times, have access to and:
 - (A) copy any records;
 - (B) inspect any equipment or method; or
 - (C) sample any effluent or other material required under subsection (a).

[As amended at: 17 IR 1618.]

